

**REMARKS**

This Request for Reconsideration is responsive to the Office Action dated July 1, 2004. Claims 1-21 were pending in the application. In the Office Action, claims 1-21 were rejected. Claims 1-21 thus remain for consideration.

Applicants submit that the application is now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

**§102 and 103 Rejections**

Claims 1-8 and 10-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Okada et al. (U.S. Patent No. 6,181,870).

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Okada.

Applicants submit that the independent claims (claims 1, 2, 4-6 and 12-21) are patentable over Okada.

Applicants' invention as recited in the independent claims is directed toward a recording apparatus, a recording method and a recording medium. Each of the claims recites that data is recorded in a file structure that "has a first data unit and a second data unit, the second data unit being a set of the first data units." Each of the claims further recites that "at least one data structure of [] encoded video data is matched with the first data unit." In an illustrative embodiment of the claimed invention, a "GOP" is the data structure and it is matched with a "sample" as the first data unit (see e.g. page 31, line 12 et seq.).

Okada fails to disclose recording data in a file structure that has a first data unit and a second data unit, wherein at least one data structure of encoded video data is matched with the first data unit. As indicated, for example, in Okada's Figs. 6 and 73, Okada shows "one data

structure” (GOP) and a “first data unit” (Cell). However, Okada fails to disclose that the GOP is “matched” with the Cell. That is, Okada fails to disclose that at least one data structure of encoded video data is matched with a first data unit. Indeed, as shown in Okada’s Fig. 28, the boundary of “VOBU” (a unit corresponding to a GOP) and the boundary of “Cell” do not match.

Regarding the Examiner’s assertion that Okada’s “one data structure” “Cell#3” is matched with Okada’s “first data structure” “Cell#3a,” Applicants note that “Cell#3” and “Cell#3a” are of the same type and therefore Okada can not be construed as disclosing the matching of a “data structure” to a “data unit” as disclosed and recited by Applicants.

Since Okada fails to disclose recording data in a file structure that has a first data unit and a second data unit, wherein at least one data structure of encoded video data is matched with the first data unit, Applicants believe that claims 1, 2, 4-6 and 12-21 are patentable over Okada on at least this basis.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants’ undersigned attorney and, in the event that the

Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito  
Reg. No. 38,580  
(212) 588-0800